



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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April 28, 2005

Patent No. : 6,821,992 B1  
Inventor(s) : Tracey Cooke, et al.  
Issued : November 23, 2004  
Title : FUNGICIDES

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and or 1.323.

Granting of a petition under 37 Code of Federal Regulations (CFR) 1.183, requesting the requirements of 37 CFR 3.81 to be waived, is required to correct applicant's error in the Assignee (see Manual of Patent Examining Procedures (M.P.E.P.) Chp. 1400, sect. 1481, pgs. 1400-64). Such a petition is required, when the *correct* assignee's name *and/or* address *was not provided* in accordance with either section 3.81(a) or (b) (either no data or an incorrect data, i.e. typographical, misspelling, ...), was provided in item 5 of the Issue Fee Transmittal (PTOL-85b), when the assignment had been recorded or submitted for recordation at the time the issue fee was paid or when an incorrect name was provided in the petition required by section 3.81(b) when the assignment submitted for recording after the date of payment of the issue fee, but prior to issuance of the patent). This procedure is required at *any* time after the issue fee is paid, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A petition to correct the Assignee under 37 CFR 1.183 should include:

- (1) the petition fee set forth in 37 CFR 1.117(h) (currently \$130);
- (2) the correct name and address of the assignee; and
- (3) the reel and frame number where the assignment(s) is recorded or proof of the date the assignment was submitted for recordation.

*In the Petition, Applicant(s) may request that the file is forwarded to Certificates of Correction Branch, for issuance of a Certificates of Correction, if the Petition is granted. No additional request and PTOL 1050 forms, must be submitted, if only correction to Assignee data was requested and noted on the PTOL 1050 form, accompanying the original request.*

Any petition under 37 CFR 1.183 should be directed to the attention of the Assistant Commissioner for Patents, using the following mailing address or FAX number.

By Mail:                   Commissioner of Patents and Trademarks  
                                 Mail Stop Petitions  
                                 Alexandria, VA 22313-1450

By Fax:                   (703) 308-6916  
                                 Attn.: Office of Petitions

If the Petition under 37 CFR 1.183 is filed and granted, the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently \$100, if not previously submitted), due to the mistake in not complying with CFR 3.81.

**Magdalene Tally**  
For Cecelia Newman, Supervisor  
Decisions & Certificates  
of Correction Branch  
(703) 308-9390 ext. 116

**Ostrolenk Faber Gerb & Soffen, LLP**  
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CBN/mt